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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/195,080	11/18/1998	KEIKO ABE	FUJA-15.646	3931

26304 7590 10/22/2003

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EXAMINER

HARPER, KEVIN C

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 10/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/195,080

Applicant(s)

ABE ET AL.

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

Applicant's arguments filed August 7, 2003, have been fully considered but they are not persuasive.

1. Applicant argued that Nagami does not disclose a shortcut controller and memory as claimed for forwarding a packet without routing by a routing device. However, Nagami discloses that a routing device is not used to forward a packet when a shortcut path has been defined (Figure 7, steps S2, S6, and S13; paras. 168-169 and para. 170, lines 1-5).
2. Applicant argued that Nagami does not disclose dynamic caching of connection information for transferring packets between nodes. However, if a layer-2 output path is unknown, it is determined by a layer-3 routing search which updates a layer-2 table (Figure 7, step S11; paras. 170-171 and 174).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagami et al.
(US 2001/0056490).

3. Regarding claims 1-2, 5-6, 9 and 12, Nagami discloses a packet transfer apparatus (Figures 1 and 55; abstract) for transferring cells (or frames) among first and second nodes

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(Figure 55, items 11) and a routing device (items 11, ROUTER; para. 9, lines 1-3). Each node and router has an inherent interface and the routing device determines an outgoing route for the cells according to destination data contained in the cells (Figure 7; Figure 12, step S162). Each ATM cell is made from or encapsulated in an IP packet (Figure 7, steps S3) having destination data. The packet transfer apparatus comprises a switch (Figure, items 11; note: crossbar switch below router), a memory for caching outgoing routing data (Figure 7, items t3 and t2; step S9-S11), and a shortcut controller (Figure 4, item 203-206; Figure 7, item S2, T1 and S6; para. 169-176) for forming a shortcut to transmit the cell directly from the first node to the second node (Figure 12, step S165; Figures 13, 54 and 55) without routing by the routing device when the outgoing route data contained in an input cell is equal to outgoing route data cached in the memory (Figure 7, steps S2 and S6), and otherwise, caching outgoing route data for the input cell into the memory (step S11; paras. 174, 185 and 187, lines 1-3) after the input cell has been routed to the second node by the routing device (Figure 7, steps S3-S4 and S8-S13).

4. Regarding claims 3 and 7, the ATM cell is AAL5 (para. 418, last sentence; para. 430).
5. Regarding claims 10 and 13, the nodes transmit data according to frame relay (para. 38).
6. Regarding claims 4, 8, 11 and 14, the output route data includes a destination address and an outgoing port number (Figure 7, items t1 and t4).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays, except Wednesday, from 9:30 AM to 8:00 PM ET.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 703-308-5463. The fax number for Technology Center (TC) 2600 is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office for TC 2600 at 703-306-0377.

Kevin C. Harper



October 20, 2003



DANG TON
PRIMARY EXAMINER